

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

TOMMY LEE DYER, )  
Plaintiff, )  
vs. ) Case No. CIV-08-0679-F  
KAY COUNTY DETENTION )  
CENTER, )  
Defendant. )

## **ORDER**

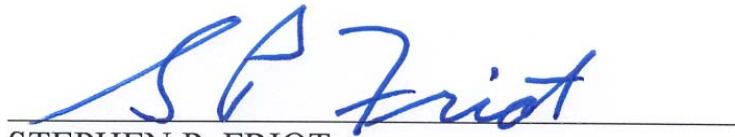
The Report and Recommendation of Magistrate Judge Valerie K. Couch is before the court. (Doc. no. 8.) Plaintiff is a prisoner appearing *pro se*, and his pleadings are liberally construed.

This action is brought under 42 U.S.C. § 1983, alleging violation of plaintiff's constitutional rights. The Report recommends that this action be dismissed without prejudice, due to plaintiff's failure to pay the filing fee. The Report further advises that any objections must be filed by September 30, 2008, and that failure to make timely objection waives plaintiff's right to appellate review of both factual and legal issues contained in the Report. No objection has been filed, and the filing fee remains unpaid.

After review of all issues covered in the Report, with no objection having been filed, and having concluded that no further analysis is necessary, Magistrate Judge Couch's Report and Recommendation is hereby **ACCEPTED, ADOPTED**, and

**AFFIRMED.** This action is **DISMISSED** without prejudice for failure to comply with the requirements of 28 U.S.C. § 1915(b).

Dated this 15<sup>th</sup> day of October, 2008.



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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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